

if she contributes her proportion of mortgage debt. *Bank of Commerce v. Owens*, 31 Md. 324. See also *Mantz v. Buchanan*, 1 Md. Ch. 204.

Last clause of this section applied. The widow held dower in surplus only. *Glenn v. Clark*, 53 Md. 604; *Ellicott v. Welch*, 2 Bl. 244. See also *Miller v. Stump*, 3 Gill, 304.

A widow who has joined with her husband in a mortgage has a right to redeem mortgage although there has been no assignment of dower. This right is not affected by a second mortgage from husband alone to mortgagee; nor need she pay second mortgage. *Hays v. Cretin*, 102 Md. 702. See also *Mantz v. Buchanan*, 1 Md. Ch. 204.

A widow may require the personal representative of her husband to apply the personal estate to the extinguishment of a mortgage, so as to free her dower. *Mantz v. Buchanan*, 1 Md. Ch. 204.

For cases (prior to act of 1898) involving question of whether a mortgage or other lien upon lands held by legal title was sufficiently a part of same transaction as purchase, to defeat wife's dower, see *Glenn v. Clark*, 53 Md. 605; *Rawlings v. Lowndes*, 34 Md. 643.

Generally.

A married woman's inchoate right of dower is a mere *chose in action*. Hence, she is a stranger to the title (where her husband owns land), and her covenants in a deed (prior to act of 1898) conveying land, do not run with the land. Her deed operates only by way of estoppel or release. *Pyle v. Gross*, 92 Md. 134.

The right of dower is favored in the law. Act of 1818, ch. 193, sec. 10, construed. A widow is entitled to dower in an equitable estate, however created, provided it does not prejudice liens attached before the marriage or subsequently with her consent. The words, "other liens," refer to liens so created. *Lynn v. Gephart*, 27 Md. 566. See also *Bowie v. Berry*, 3 Md. Ch. 363; *Mantz v. Buchanan*, 1 Md. Ch. 208.

Prior to act of 1898, ch. 457, wife was not entitled to dower in equitable estate of her husband unless he died possessed thereof. Act of 1898, ch. 457, sec. 6, will not be given a retroactive effect so as to affect marriages solemnized and property acquired prior to such act. *Slingluff v. Hubner*, 101 Md. 657. See also *Safe Deposit Co. v. Gittings*, 103 Md. 496; *Harris v. Whiteley*, 98 Md. 441; *Rabbitt v. Gaither*, 67 Md. 98; *Glenn v. Clark*, 53 Md. 604; *Bank of Commerce v. Owens*, 31 Md. 324; note (a) to *Miller v. Stump*, 3 Gill, 304; *Purdy v. Purdy*, 3 Md. Ch. 547; *Bowie v. Berry*, 3 Md. Ch. 361; *Bowie v. Berry*, 1 Md. Ch. 452.

Where a husband who holds an equitable title to land executes a bond of conveyance and then acquires legal title and subsequently dies, the purchase money not having been paid, wife is entitled to dower. It may be that a different rule would apply if contract to convey were made before dower had once attached. Dower is regarded as a continuation of husband's estate, and there is no *mesne seisin*. Where, however, a part of the money received by husband from vendee is applied in part payment for land, this sum must be deducted from value of land before dower is assigned. Improvements put upon land by vendee must also be excluded in assignment of dower. *Bowie v. Berry*, 3 Md. Ch. 361. And see *Bowie v. Berry*, 1 Md. Ch. 452.

Where the equitable title was mortgaged prior to adoption of this section and property sold in husband's lifetime, the widow is not entitled to dower. This section could not operate to prejudice of creditors and heirs who became such prior to its enactment. *Hopkins v. Frey*, 2 Gill, 363. And see *Stelle v. Carroll*, 12 Pet. 211.

Where a husband has an equitable interest in land subject to payment of certain sums, a judgment subsequently obtained is subordinate to wife's dower, though latter is subordinate to purchase money of land and to money secured by deed creating equitable interest. *Steuart v. Beard*, 4 Md. Ch. 321.

Widow is entitled in equity to her dower in lands conveyed to a third party instead of to husband, with intent to defraud her. *Rabbitt v. Gaither*, 67 Md. 94.

In assigning dower, the land is valued as of time of husband's death, and not as of time of a prior conveyance of land without wife's consent, unless increased value arose from labor and money of purchaser. *Bowie v. Berry*, 1 Md. Ch. 454.

What kind of lands a widow is dowerable in. Act of 1818, ch. 193, sec. 10, held to have no application. *Spangler v. Stanler*, 1 Md. Ch. 37. And see *Marbury v. Brien*, 15 Pet. 38.

Cited but not construed in *Vogel v. Turnt*, 110 Md. 201.

As to how dower may be relinquished, see sec. 12.